

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) Case No.: 15cr1885-GPC
)
Plaintiff,)
) Order excluding time under the Speedy
v.) Trial Act
)
MARLA CUNNINGHAM,)
)
Defendant.)
_____)

Good cause appearing, the Court find the period of delay from July 29, 2016, to January 9, 2017, shall be excluded in computing the time within which the trial must commence under the Speedy Trial Act. The Court makes the following findings:

1. Pretrial motions are pending. Pursuant to 18 U.S.C. § 3161(h)(1)(D), the Court finds the time excludable based on the government's pending motions requiring a hearing.
2. The defendant is unavailable. Ms. Cunningham is enrolled in CRASH, an intensive residential drug-treatment program. Drug treatment takes up to 16 hours per day, and thus the defendant is unavailable pursuant to 18 U.S.C. §

1 3161(h)(3)(A). The Court therefore finds time excludable on this ground until
2 Ms. Cunningham is no longer enrolled in CRASH.

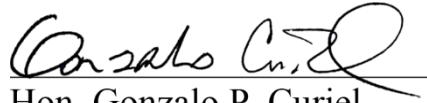
3 3. The interests of justice. Once Ms. Cunningham completes residential drug-
4 treatment and is available, the defense needs time to adequately prepare for
5 trial. Based on the parties' representation, the defense needs all available time
6 from the release date until trial to prepare. The Court finds the time excludable
7 under 18 U.S.C. § 3161(h)(7)(B)(iv) as "reasonable time necessary for
8 effective preparation."
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11 Based on all these reasons, the Court finds the ends of justice served by the
12 delaying the trial until January 9, 2017, outweigh the best interest of the public and the
13 defendant in a speedy trial. See 18 U.S.C. § 3161(h)(7)(A).
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16 Finally, the Court find time is excluded from the date of the Government's oral
17 motion to detain, August 27, 2015, until the detention hearing held on September 1,
18 2015.
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20 So ordered.

21 Dated: August 2, 2016

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23 Hon. Gonzalo P. Curiel
24 United States District Judge
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